

M U C H S H E L I S T

ATTORNEYS AT LAW
191 NORTH WACKER DRIVE
SUITE 1800
CHICAGO, ILLINOIS 60606.1615

T 312.521.2000
F 312.521.2100

www.muchshelist.com

FACSIMILE TRANSMITTAL FORM

DATE: April 13, 2004
TO: USPTO
ATTN: Mr. Frenel
FAX NUMBER: 703-746-6065
RECIPIENT'S PHONE:
FROM: Adam Sacharoff
NO. OF PAGES: 5

(Including Cover Sheet)

PLEASE CALL 312.521.2134 IF YOU DO NOT RECEIVE ALL OF THE PAGES.

CLIENT NUMBER/MATTER NUMBER 400616.0028
COPITRAK BILLING NUMBER/CODE

MESSAGE:

PLEASE RETURN FAX CONFIRMATION TO: AKS

WARNING: This telecopier transmittal may contain confidential or privileged information intended only for the use of the individual or entity named on this cover sheet. If you are not the intended recipient, please understand that any disclosure, copying, distribution, or use of the contents of this transmittal is strictly prohibited. If you have received this transmittal in error, please notify us by telephone immediately so we can arrange for retrieval of the original documents at no cost to you. Thank you.

PTO/SB/97 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Attorney Docket No. 4000735.0004

Certificate of Transmission under 37 CFR 1.8

Fax: 703-746-6065

I hereby certify that this correspondence is being facsimile transmitted to the
United States Patent and Trademark Office

on April 13, 2004

Date



Signature

Adam K Sacharoff Reg. No. 43,075

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify
each submitted paper.

Attn: Vanel Frenel

Enclosed please find an Interview Request Form and a two page
summary of items to be discussed.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case.
Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark
Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents,
Washington, DC 20231.

Applicant Initiated Interview Request Form

Application No.: 09 / 577386 First Named Applicant: Lesswing, Mark
 Examiner: Frenowl, Vanel Art Unit: 3626 Status of Application: Pending

Tentative Participants:

(1) Adam K Sacharoff (attorney record) (2) Vanel Frenowl (Examiner)
 (3) Joseph Thomas (Supervisor) (4) _____

Proposed Date of Interview: 04/14/2004 Proposed Time: 4:00 (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej</u>	<u>1-59</u>	<u>Bosco and Tarter</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

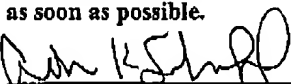
SEE ATTACHED

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.



(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20503.

Application No. 09/577,386
Applicant Lesswing, Mark
Examiner Frenewl, Vanel

Office states the Tarter patent discloses:

- (1) a computer-implemented method of repricing an electronically received reimbursement claim (Tarter - Claim 13, lines 44-67 to Col. 14, line 65)
- (2) providing programming code for converting each contract into a plurality of terms and a contract identifier code, each term of the plurality of terms containing qualification codes, calculation codes and at least two priority notes, arranging the terms into a sequential series of terms (Tarter - Col 15, lines 7 -65);
- (3) providing programming code for converting the reimbursement claim into a series of claim lines, each claim line containing a claim code, a unit number and a corresponding charge (Tarter -Col. 15, lines 7-67); and
- (4) providing programming code for sequentially comparing each claim code, of the series of claim lines, against each qualification code, of the plurality of terms and when a claim code, of a claim line, is substantially equal to a qualification code, of a term, identifying said term as a matching term associated to said claim line (Tarter -Col. 13, lines 44-67 to Col. 14, line 67; Col. 15, lines 1-39);

and Bosco suggests:

- (5) providing programming code for determining any priority conditions associated to all of the matching terms, and eliminating any matching terms that are excluded by said priority conditions; and providing programming code for determining a reimbursement amount for the claim by processing the calculation codes of the non-eliminated matching terms (Bosco, Col. 9; lines 1-67; Col. 19, lines 58-67 to Col. 20, line 68)

Discussion:

After extensive review of the Tarter and Bosco patents, the applicant cannot find where these provisions are provided for:

Example element 3 above:

providing programming code for converting the reimbursement claim into a series of claim lines, each claim line containing a claim code, a unit number and a corresponding charge (Tarter -Col. 15, lines 7-67); and

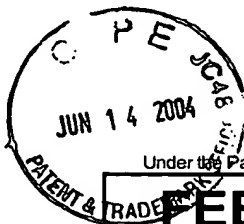
Col. 15 lines 7-67 of Tarter discloses converting assets (receivables) into cash, forecasting cash flow needs and matches those needs to available funding sources at competitive market interest rates. Moreover, the CHARMS software (for which the Tarter patent is directed thereto) provides the ability "for the purchase of all of the adjudicated and approved third party receivables from the contracted service providers." (Col 15., lines 31-34). Applicant's claims are directed to the ADJUDICATION of the such reimbursement claims. Applicant's

Application No. 09/577,386
Applicant Lesswing, Mark
Examiner Frenewl, Vanel

invention discloses and claims how to effectively adjudicate and approve of the third party claims which would be converted in the receivables used by the Tarter patent. As such, Tarter cannot disclose, suggest, or motive Applicant's invention because Tarter is directed to after-the-fact processing of Applicant's adjudication.

Once the Tarter patent is removed the rejection under §103(a) is traversed and all claims 1-59 are allowable.

Claims 40-52 can be rewritten to provide for the rejections under 35 USC 101.



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,882.00

Complete if Known

Application Number 09/577,386-Conf. #385
Filing Date May 23, 2000
First Named Inventor Mark Lesswing
Examiner Name V. Frenel
Art Unit 3626
Attorney Docket No. DO-066729/P017US/1040569

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number

06-2380

Deposit Account Name

Fulbright & Jaworski L.L.P.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
86	-59** =	27	x	18.00	=	486.00
11	-5** =	6	x	86.00	=	516.00
Multiple Dependent						

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 1,002.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	770.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 880.00

SUBMITTED BY

Name (Print/Type) Jody C. Bishop

Registration No. (Attorney/Agent)

44,034

(Complete if applicable)

Telephone (214) 855-8007

Signature

Date

June 14, 2004

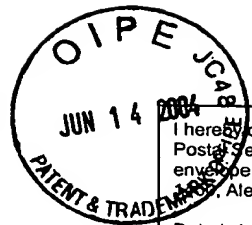
Fee Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV256036430US, in an envelope addressed to: M/S RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 14, 2004

Signature:

Gail Miller (Gail Miller)



I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 256036430US, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 14, 2004

Signature: *Gail L. Miller*

(Gail L. Miller)

Docket No.: 66729-P017US-10405597
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Mark Lesswing et al.

Confirmation No.: 3851

Application No.: 09/577,386

Examiner: V. Frenel

Filed: May 23, 2000

Group Art Unit: 3626

For: A NOVEL METHOD AND APPARATUS FOR
REPRICING A REIMBURSEMENT CLAIM
AGAINST A CONTRACT

RECEIVED
JUN 18 2004
GROUP 3600

NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Assignee, The TriZetto Group, hereby notifies the Patent and Trademark Office that it is not entitled to status as a small entity, and that the claim for small entity status filed by the Applicant is hereby withdrawn.

Dated: June 14, 2004

Respectfully submitted,

By *Jody C. Bishop*

Jody C. Bishop

Registration No.: 44,034

FULBRIGHT & JAWORSKI L.L.P.

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201-2784

(214) 855-8007

(214) 855-8200 (Fax)

Attorney for Applicant